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ART UNIT	PAPER NUMBER
3715	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Office Action Summary	Application No.	Applicant(s)
		10/607,194	RADCLIFFE ET AL.
		Examiner	Art Unit
		Joshua D. Crabtree	3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*27 June 2006*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,13-21,23-29 and 31-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,13-21,23-29 and 31-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☒ Other: *JP 4-13288 (in English)*.

DETAILED ACTION

1.   In response to the amendment dated 6/27/2006; claims 11, 12, 22 and 30

cancelled; claims 1-10, 13-21, 23-29, and 31-48 pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 3, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by

Aoyama (JP04013288A).

Aoyama discloses a karaoke device, which is designed to "notify many people,

even a primary school pupil who cannot read Chinese characters (KANJI) or a foreigner

who cannot understand Japanese, of the lyrics of popular songs, etc., to enjoy the

KARAOKE (orchestration without lyrics) with superimposed lyric lines by storing the

lyrics data with plural kinds of characters and controlling this lyrics data by switching."

(See Abstract)

With regard to the limitation of identifying a preferred language for displaying lyrics associated with an audio file, Aoyama discloses, "Lyrics storage means are provided to store the lyrics data with plural kinds of character, a switch operating means is to select a kind of an arbitrary character from plural kinds of characters, and selection control means are to output the designated kind of the lyrics data by this switch operating means after selecting from the lyrics storing means to display the lyrics of a kind of a character specified by a singer on a display. Thus, the selected kind of character, for example, the lyrics written in a cursive form of the Japanese syllabary writing (HIRAGANA), square form of the Japanese syllabary writing (KATAKANA), or English can be displayed on the display device. Many people can enjoy the KARAOKE by displaying the lyrics of songs in the kind of character corresponding to the singer." (See abstract; see also Figs. 1-3).

With regard to the limitation of searching a list of lyric sets associated with the audio file and arranged in a priority order according to language to determine whether the lyric set is available in the preferred language, Aoyama discloses allowing the user to select a preferred language from a plurality of languages, as described above.

With regard to the limitation of identifying an alternate lyric set to be displayed based on the priority order when the lyric set is not available in the preferred language, Aoyama discloses allowing the user to select display of the lyrics in English as well as two written forms of Japanese, as described above.

With regard to the limitation of playing the audio file and displaying the alternate lyric set, Aoyama discloses that the any of the three mentioned lyric sets may be displayed, as described above.

With regard to claim 3, and the limitation of storage of an alternate lyric set separately from an audio file. Aoyama discloses, "Lyrics storage means are provided to store the lyrics data" (See abstract). Therefore, all lyrics sets, whether primary or alternate, are stored separately from the audio file.

With regard to claim 7, and the limitation of identifying a preferred language and a preferred sublanguage, Aoyama discloses, "the lyrics written in a cursive form of the Japanese syllabary writing (HIRAGANA), square form of the Japanese syllabary writing (KATAKANA), or English can be displayed on the display device" (See Abstract). Thus the user is capable of viewing a language (Japanese), and a sublanguage (Hiragana or Katakana).

With regard to claim 8, Aoyama discloses a computer memory (See "RAM", Fig. 1), a flowchart for a computer program (See Fig. 3), and a processor (See "CPU", Fig. 1).

3.   Claims 9, 10, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Qian et al. (US 2002/0193895).

Qian et al. disclose an enhanced encoder for synchronizing multimedia files into an audio bit stream.

With regard to claim 9 and the limitation of receiving a request to play an audio

file, Qian et al. disclose menu options in which audio files are requested (See Fig. 2f).

With regard to the limitation of lyric segments having associated time codes,

wherein each time code identifies a time during playback of the audio file that a

corresponding lyric segment is displayed, Qian et al. disclose "The interface may then

synchronize the at least one multimedia file with the audio file, and when the

multimedia file includes lyrical data, synchronize the lyrical data with the voice

recording in accordance with the syllables tags. Such that the synchronizing generates

an intermediate file that includes for each multimedia file at least one corresponding

time stamp to indicate the position and time for where the multimedia file is to be

synchronized within the audio file." (See Abstract)

With regard to the limitation of playing the audio file and displaying the a first

lyric segment as the audio file plays, Qian et al. disclose this in Fig. 3.

With regard to the limitations of receiving a request to jump to a different part of

the audio file, and playing the different part of the audio file, Qian et al. disclose this

feature (Paragraph [0051]).

With regard to the limitation of displaying the first lyric segment until a time

during playback of the audio file matches a time code in the different part of the audio

file, and then displaying a different lyric segment associated with the time code in the

different part of the audio file, Qian et al. disclose synchronizing lyrics with an audio

file (Paragraph [0007]). The lyrics are time stamped to correspond to a position in the

wav file. Therefore, when a different portion of the audio file is played, the

corresponding lyrics for that portion will be displayed as well.

With regard to claim 10 and the limitation of playing the audio file, Qian et al.

disclose this can be accomplished via a Play button (Paragraph [0050]).

With regard to the limitation of identifying a time code associated with a current

playback location, Qian et al. disclose this feature (Paragraph [0007]).

With regard to the limitations of identifying the first lyric segment associated

with the identified time code, and displaying the first lyric segment until the time code

in the different part of the audio file is reached, Qian et al. disclose that the display of

the lyrics is synchronized with the audio file (Paragraph [0007]).

Regarding claim 13, Qian et al. disclose, "the interface includes the ability to

encode the audio file with the at least one multimedia file to generate a single audio bit

stream, wherein the encoding uses the intermediate file to position and encode the at

least one multimedia file with the audio file such that a single audio bit stream is

generated that includes embedded synchronized multimedia files." (See Abstract)

Regarding claim 14, Qian et al. disclose, "the computer system being used to

implement the enhance encoder functions or retrieved from the Internet" (See

Paragraph [0062]).

4.   Claims 38, 39 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by

Okamura et al. (US 5,194,682).

With regard to claim 38, and the limitation of an audio player, Okamura disclose

a "sound source unit" (See Abstract).

With regard to the limitation of a language selection module for searching a list

of lyric sets associated with the audio file and arranged in a priority order according to

language to determine whether a lyric set is available in a preferred language, and to

identify an alternate lyric set to be displayed based on the priority order when the lyric

set is not available in the preferred language, Okamura et al. disclose an operation unit

with which the user may select a language from a plurality of languages. Okamura et al.

disclose that the lyrics may be English, Japanese, or even a parody lyric set. (Col. 14,

lines 63 – Col. 15: 15).

With regard to the limitation of a lyric display module, Okamura et al. disclose

this feature (Col. 9, lines 65-69).

With regard to claim 39, and the limitation of the lyric display module displaying

different lyric segments of the alternate lyric set based on a portion of the audio file

being played by the audio player, Okamura et al. disclose "The status of the scroll map

data is COh, and data is two bytes of [Scroll Speed] and [Lyrics Count]. The number of

characters of [Lyrics Speed] is scrolled at a speed of the musical note of [Scroll Speed]

per each character." (Col. 11, lines 3-7). Thus the lyrics are presented in synchronization

with the music.

With regard to claim 41, Okamura et al. disclose "Further, data of two languages

or a parody of a song, etc. can be stored into the areas of LF6 to LF13." (Col. 11, lines 12-

15). Okamura et al. also disclose, "Further, in the case where a plurality of lyrics data

are included in the lyrics file LF (for example, in the case of lyrics of two languages or

more)..." (Col. 14, lines 60-65). Thus Okamura et al. disclose a specific location for the

language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoyama in

view of Parry (US 2002/ 0173968). Aoyama discloses the feature of more than one lyric

set, as described above. Aoyama does not disclose containing lyrics data in an audio

file. Parry teaches, "Encoded audio files having embedded printable lyrics" (See Title).

Parry also teaches, "the printable lyrics are either embedded in the audio file or stored

in another file." (See Abstract) It would have been obvious to one of ordinary skill in the

art at the time of invention to incorporate the teaching of Parry into the invention of

Aoyama in order to simplify the complexity of the system by having a single storage

space for an audio file containing lyric data, as opposed to two separate storage

locations for audio data and lyric data.

6.   Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Aoyama in view of Tashiro et al. (US 5,654,516).

With regard to claim 4, Aoyama discloses the feature of more than one lyric set,

as described above. Aoyama does not disclose a plurality of lyric data segments, each

of which corresponds to a particular time period of the audio file. Tashiro et al. teach a

karaoke system, in which "the word track is divided into time-sequential sections of

A1, A2, ...AN, the accompaniment track is likewise divided into time-sequential

sections of B1, B2, ...BN, and the digital voice track is likewise divided into time-

sequential sections of C1, C2, ...CN. Then, as shown in the FIG. 5(b) format, the first

sections A1, B1 and C1 are collected from the respective tracks to compose a first

track." (Col. 9, lines 1-9, see also Figs 5a-b)

With regard to claim 5, Aoyama discloses the feature of more than one lyric set,

as described above. Aoyama does not disclose lyric segments containing time codes

corresponding to particular lyric segments. Tashiro teaches, "The word track is

composed of a time-sequential arrangement of character codes effective to display the

song word." (Col. 11, lines 14-16).

With regard to claim 6, Aoyama does not disclose displaying a particular lyric

segment during playback of the audio file based on a current time code. Tashiro

teaches, "the monitor displays the song words and the background picture associated to

the requested karaoke song to assist in the vocal performance of the singer." (Col. 4,

lines 43-47). Tashiro also teaches, "The word characters are variably displayed by the

monitor such that a color of the displayed words is sequentially changed in

synchronization with progression of the song so as to teach the player vocal timings."

(Col. 8, lines 25-28). Tashiro also teaches, "The word track is composed of a time-

sequential arrangement of character codes effective to display the song word." (Col. 11,

lines 14-16). It would have been obvious to one of ordinary skill in the art at the time of

invention to incorporate the teaching of Tashiro et al. into the invention of Aoyama in

order to provide a karaoke system in which the lyrics are displayed in the order in

which they are sung in the song, to allow the singer to sing the lyrics at the appropriate

speed.

7.   Claims 15-17, 19, 21, 23-28, and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Klappert et al. (US 5,649,234) in view of Aoyama (JP04013288A).

        With regard to claim 15, Klappert et al. disclose a "Method and apparatus for

encoding graphical cues on a compact disc synchronized with the lyrics of a song to be

played back" (See Title). Klappert et al. disclose identifying lyric segments associated

with the audio file, as well as assigning a time code to each lyric segment, wherein each

time code identifies a temporal location within the audio file (See Fig. 3). Regarding the

limitation of saving time codes and lyric segments, the invention of Klappert et al. is

described as "a method and apparatus for simplifying the steps needed to produce a

graphical cue to words being displayed as they are to be sung by a performer such as in

Karaoke. The production of a CD-Graphics (CD-G) product containing compact disc

("CD") audio accompanied with a visual presentation of the lyrics is facilitated." (See

Abstract) Thus the lyric and time code segments are saved on a compact disc. Klappert

et al. do not disclose associating a language and a sublanguage with the lyric segments,

the sublanguage identifying a country/region dialect of the language. Aoyama

discloses implementing different languages, including different variations of the same

language (two forms of Japanese), as described above (See Abstract). It would have

been obvious to one of ordinary skill in the art at the time of invention to incorporate

the teaching of Aoyama into the invention of Klappert et al. in order to provide a

karaoke system in which the lyrics may be displayed in a plurality of languages.

With regard to claim 16, Klappert et al. disclose displaying time codes and

corresponding lyric segments (See Fig. 3).

With regard to claim 17, Klappert et al disclose editing one or more time codes.

(See Figs 1c, 3a-c).

Regarding claim 19, Klappert et al. disclose a "song.tga" file, which is "the

graphic image of the song lyrics"(Col. 3, lines 10-11). Regarding the audio storage,

Klappert et al. disclose, "The digitized audio is stored to disk in a file as

song.kiff.audio." (Col. 12, lines 49-50).

With regard to claim 21 Klappert et al. do not disclose associating a language

with lyric segments. Aoyama teaches association of language with lyrics, as described

above. It would have been obvious to one of ordinary skill in the art at the time of

invention to incorporate the teaching of Aoyama into the invention of Klappert et al. in

order to make a karaoke system capable of being used by people who speak different languages.

With regard to claims 23 and 31, Klappert et al. disclose a "program that runs on PC 56 that builds the initial version of the song.kif file." (Col. 4, lines 1-2, See also Figs. 2a-b).

With regard to claim 24, and the limitation of static lyrics associated with an audio file, Klappert et al. disclose a "song.tga" file, which is "a visual representation of the lyrics as they will appear on a CRT. Essentially, the data in the file is a binary image of the lyrics including font and style. The file is in a graphics format known as Truevision or TGA." (Col. 2, lines 4-8).

With regard to the limitation of the separation of the static lyrics into segments, see Figs. 1e and 3a-c. Regarding the limitation of assigning a time code to each of the lyrics segments, wherein each time code identifies a temporal location within the audio file, see Figs. 3a-b. With regard to the limitation of saving the time codes and the corresponding lyric segments, Klappert discloses this feature, as described above. Klappert et al. do not disclose associating a language and a sublanguage with the lyric segments, the sublanguage identifying a country/region dialect of the language. Aoyama discloses implementing different languages, including different variations of the same language (two forms of Japanese), as described above (See Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Aoyama into the invention of Klappert et al. in order to

provide a karaoke system in which the lyrics may be displayed in a plurality of

languages.

With regard to claim 25, Klappert et al. disclose a "song.tga" file containing the

lyrics, as described above.

With regard to claim 26, Klappert et al. disclose a "Playback Monitor" (See Fig.

2a), which is one of the "components used to create and playback a file which contains

visual cues to lyrics." (Col. 1, lines 51-53). The person singing the lyrics would have to

see each segment for approximately the same amount of time in order to proceed

through the song without getting behind or ahead of the tempo.

With regard to claims 27 and 28, see Figs. 3a-c.

8.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klappert

et al. in view of Aoyama, as applied above, and further in view of Parry (US 2002/

0173968). Klappert et al., as modified by Aoyama, do not disclose containing lyrics data

and time segments in an audio file. Parry teaches encoding lyrics into an audio file, as

addressed above in the rejection to claim 2. It would have been obvious to one of

ordinary skill in the art at the time of invention to incorporate the teaching of Parry into

the invention of Klappert et al., as modified by Aoyama, in order to simplify the

complexity of the system by having a single storage space for an audio file containing

lyric data, as opposed to two separate storage locations for audio data and lyric data.

9.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klappert

et al. in view of Aoyama, as applied above, and further in view of Sitrick et al. (US

2003/0100965). Klappert et al., as modified by Aoyama, do not disclose caching lyric segments and time codes if the audio file is currently in use. Sitrick et al. teach "Electronic music stand performer subsystems and music communication methodologies" (See Title) containing a "performer subsystem," which "provides for caching and buffering of the music data" (See Paragraph [0158]). Sitrick et al. also teach, "The caching and buffering eliminates the delays that would be incurred in going to and from slower large storage such as hard disk or Flash RAM or CD-ROM, to higher speed RAM, by pre-loading a portion (the cache) of the higher speed memory (e.g., RAM) in accordance with defined cache management for use by the processor in the performer subsystem." (See Paragraph [0158]) It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Sitrick et al. into the invention of Klappert et al., as modified by Aoyama, in order to improve the performance of the system by storing lyric data in temporary storage while the corresponding audio file is played.

10.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klappert et al. in view of Qian et al. Klappert et al. do not disclose saving time codes and audio segments in the audio file. Qian et al. teach this feature, as previously described (See Abstract) It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Qian et al. into the invention of Klappert et al. in order to save storage space by storing lyric data and audio data in the same file.

11.   Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura

et al. in view of Parry (US 2002/ 0173968). Okamura et al. do not disclose containing

lyrics data in an audio file. Parry teaches, "Encoded audio files having embedded

printable lyrics" (See Title). Parry also teaches, "the printable lyrics are either embedded

in the audio file or stored in another file." (See Abstract) It would have been obvious to

one of ordinary skill in the art at the time of invention to incorporate the teaching of

Parry into the invention of Okamura et al. in order to simplify the complexity of the

system by having a single storage space for an audio file containing lyric data, as

opposed to two separate storage locations for audio data and lyric data.

12.   Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura

et al. in view of Tashiro et al. (US 5,654,516). Okamura et al. disclose the feature of using

lyrics in more than one language, as described above. Okamura et al. do not disclose the

limitation of a lyric data editor to edit the alternate lyric set associated with the file.

Tashiro et al. teach, "the host station 30 can manage change and addition of the fonts,

while the karaoke system does not need an extra font ROM. Consequently, not only the

font of the same language word can be changed in terms of letter size, letter type and

else"(Col. 11, lines 29-34) Thus the karaoke system of Tashiro et al. teaches the

limitation of editing lyrics via the "host station". It would have been obvious to one of

ordinary skill in the art at the time of invention to incorporate the teaching of Tashiro et

al. into the invention of Okamura et al. in order to give the user of the system more

flexibility and control over how and what lyrics are displayed.

13.   Claims 43-46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Qian et al. in view of Aoyama.

With regard to claim 43 and the limitation of a means for identifying an audio

file to play, Qian discloses this feature, as described above. With regard to the

limitation of a means for identifying lyric segments associated with the audio file,

wherein each lyric segment has an associated time code, and wherein the time codes

identify periods of time during playback of the audio file, Qian discloses this feature,

as described above. With regard to the limitation of a means for playing the audio file

and displaying a lyric segment that corresponds to the current time code, Qian

discloses this feature, as described above. Qian et al. do not disclose associating a

language and a sublanguage with the lyric segments, the sublanguage identifying a

country/region dialect of the language. Aoyama teaches implementing different

languages, including different variations of the same language (two forms of

Japanese), as described above (See Abstract). It would have been obvious to one of

ordinary skill in the art at the time of invention to incorporate the teaching of Aoyama

into the invention of Klappert et al. in order to provide a karaoke system in which the

lyrics may be displayed in a plurality of languages.

Regarding claim 44, Qian et al. disclose project properties including "setting the

language, group number, title or song, album title, artist name, etc." (See Paragraph

[0072]; see also Fig. 8b). Qian et al. do not disclose allowing the user to select a

sublanguage. Aoyama teaches this feature, as described above.

With regard to claim 45, Qian discloses storing the lyric segments in the audio

file, as described above (claim 8).

With regard to claim 46, Qian et al. disclose, "a graphical user interface method

for a program readable machine embodying a program of instructions executable to

permit the synchronization of multimedia files with an audio file to create a single

encoded audio bit stream with synchronized multimedia files." (See claim 8). Qian et

al. disclose the ability to receive a request to play an audio file via menu options (See

Fig. 2f). Qian et al. disclose a language associated with the lyrics, as described above.

Qian et al. disclose identifying a plurality of lyric segments associated with the audio

file, wherein each lyric segment is associated with the preferred language and each

lyric segment has an associated time code, and wherein each time code identifies a

time during playback of the audio file that a corresponding lyric segment is displayed,

as described above. Qian et al. disclose playing the audio file and displaying the

appropriate lyric segments as the audio file is displayed, as described above. Qian et al.

do not disclose associating a sublanguage with an audio file. Aoyama teaches

implementing sublanguages, as described above.

Regarding claim 48 and the limitation of computer-readable media, Qian et al.

disclose, "the computer system being used to implement the enhance encoder functions

or retrieved from the Internet." (See Paragraph [0062])

14.   Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qian et al.

in view of Okamura et al. (US 5,654,516). Qian et al. do not disclose the limitation of an

alternate language. Okamura et al. teach, "Further, data of two languages or a parody of

a song, etc. can be stored into the areas of LF6 to LF13. It is to be noted that such data

are not stored when they are not used." (Col. 11, lines 12-15). It would have been

obvious to one of ordinary skill in the art at the time of invention to incorporate the

teaching of Okamura et al. into the invention of Qian et al. in order to give the user

additional languages in which to view the lyrics.

Response to Arguments

15.   Applicant's arguments filed 6/27/2006 have been fully considered but they are

not persuasive.

16.   In response to applicant's argument that Aoyama does not say anything about

searching a list of lyric sets which are arranged in a priority order according to

language, or identifying an alternate lyric set to be displayed based on the priority

order when the lyric set is not available in the preferred language, the examiner

respectfully disagrees. Aoyama discloses allowing a user to select a language from a

plurality of languages. The examiner asserts that selecting a language from a plurality

of languages covers the limitation of searching a list of lyric sets.

In response to applicant's argument that Qian does not disclose handling a jump

request as described in claim 9, the examiner respectfully disagrees. With regard to the

limitations of receiving a request to jump to a different part of the audio file, and

playing the different part of the audio file, Qian et al. disclose this feature (Paragraph

[0051]).

With regard to displaying the first lyric segment until a time during playback of

the audio file matches a time code in the different part of the audio file, and then

displaying a different lyric segment associated with the time code in the different part

of the audio file, Qian et al. disclose synchronizing lyrics with an audio file (Paragraph

[0007]). The lyrics are time stamped to correspond to a position in the wav file.

Therefore, when a different portion of the audio file is played, the corresponding lyrics

for that portion will be displayed as well. Therefore, the examiner asserts that the

reference reads on the claim.

17.   In response to applicant's argument that Klappert does not disclose associating a

language and sublanguage with lyric segments, the examiner asserts that Aoyama

teaches this feature, as described above. As this feature has been added in an

amendment, the examiner has modified the rejection accordingly.

18.   In response to applicant's argument that Tashiro et al. do not disclose the feature

of playing the audio file and associated lyric data in an alternate language if lyric data

in an alternate language if lyric data is not available in the preferred language, a

recitation of the intended use of the claimed invention must result in a structural

difference between the claimed invention and the prior art in order to patentably

distinguish the claimed invention from the prior art. If the prior art structure is capable

of performing the intended use, then it meets the claim. The structure of Tashiro et al. is

capable of displaying lyrics in more than one language. It is therefore capable of

displaying lyrics in one language if they are not available in another language.

19.   In response to applicant's argument that Okamura does not disclose a language

selection module, but instead discloses that the lyric selection is performed by the

singer, the examiner respectfully disagrees. Okamura et al. disclose an *operation unit*

with which the user may select a language from a plurality of languages. (Col. 14, lines

63 – Col. 15: 15). It is noted that Okamura uses the term *operation unit* rather than

language selection module. The examiner asserts that this is merely a semantic difference,

and that the operation unit of Okamura anticipates the language selection module of the

applicant's invention.

20.   In response to applicant's argument that Qian does not disclose a means for

identifying a language and sublanguage, the examiner asserts that Aoyama teaches this

feature, as described above. As this feature has been added in an amendment, the

examiner has modified the rejection accordingly.

21.   In response to the applicant's argument that the independent claims are

allowable, and that the dependent claims are therefore also allowable, the examiner

respectfully asserts that the claims are not allowable, for the reasons cited above in the

rejection.

22.   In response to applicant's argument that the claims not rejected under 35 U.S.C.

103 are nonobvious, and that the corresponding rejections should therefore be

withdrawn, the examiner respectfully disagrees. A claimed invention must be useful,

novel, *and* nonobvious (See MPEP 706[R-3]). The examiner has shown that the claims do

not comply with 35 U.S.C. and/or U.S.C. 102 in the rejection above.

Conclusion

23.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

of the advisory action. In no event, however, will the statutory period for reply expire

later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-

8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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Joshua D. Crabtree
July 7, 2006

KATHLEEN MOSSER
PRIMARY EXAMINER